

## **922 KAR 1:500. Educational and training vouchers.**

RELATES TO: KRS Chapter 13B, 164.2847, 610.110(6), 620.020(5), 620.140(1)(d), 45 C.F.R. 1355.20(a), 20 U.S.C. 1001, 1002, 1087II, 42 U.S.C. 677(d)(2), (i)

STATUTORY AUTHORITY: 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for proper administration of the cabinet and its programs. In addition, 42 U.S.C. 677(i) makes available vouchers for education and training to youths who have aged out of foster care or were adopted from foster care at age sixteen (16) or older. This administrative regulation establishes eligibility and an application process, specifies allowable uses, and provides a procedure for administrative hearings pertaining to the educational and training vouchers.

Section 1. Definitions. (1) "Cost of attendance" is defined by 20 U.S.C. 1087II.

(2) "Educational and training voucher" means resources provided to an eligible individual to meet educational or training purposes as specified under 42 U.S.C. 677(i).

(3) "Foster care" is defined by KRS 620.020(5) and 45 C.F.R. 1355.20(a).

(4) "Institution of higher education" is defined by 20 U.S.C. 1001 and 1002.

(5) "Tuition waiver" means waiver of tuition and mandatory fees for Kentucky foster or adopted children pursuant to KRS 164.2847 and 922 KAR 1:450.

Section 2. Eligibility. (1) An individual shall be eligible to receive an educational and training voucher if the individual:

(a) Is committed to the cabinet in accordance with:

1. KRS 620.140(1)(d); or

2. KRS 610.110(6);

(b) Was adopted from foster care after attaining sixteen (16) years of age; or

(c) Left foster care upon attaining eighteen (18) years of age.

(2) An individual shall maintain eligibility until twenty-three (23) years of age if the individual:

(a) Receives an educational and training voucher prior to reaching twenty-one (21) years of age; and

(b) Is enrolled in an institution of higher education and is making satisfactory progress towards completion:

1. As determined by the institution of higher education; and

2. In accordance with Section 3(2) of this administrative regulation.

Section 3. Application Process. (1) To request an education and training voucher, an applicant shall submit a completed DPP-334, Request for Educational and Training Voucher Funds to the cabinet:

(a) Upon initial application for enrollment into an institution of higher education;

(b) When the student transfers to another institution of higher education; or

(c) If a student has not been enrolled continuously at the same institution of higher education.

(2)(a) To maintain eligibility in accordance with Section 2 of this administrative regulation, for each semester or equivalent term of instruction, the cabinet shall contact the National Student Clearinghouse to verify an applicant's enrollment in an institution of higher education.

(b) If verification cannot be obtained through the National Student Clearinghouse in accordance with paragraph (a) of this subsection, the cabinet shall notify the applicant, and the applicant shall:

1. Contact the applicant's institution of higher education; and
2. Request that written confirmation of enrollment from the institution of higher education be sent to the cabinet.

(3) If an applicant is determined ineligible by the cabinet, the cabinet shall provide notification, in writing, to the applicant stating the reason for ineligibility.

Section 4. Allowable Payments. (1) An educational and training voucher shall be used to:

(a) Assist an eligible individual to prepare for and enter an institution of higher education, including:

1. A fee for an educational aptitude examination to qualify for or apply to an institution of higher education;

2. An entrance or application fee required by an institution of higher education;

3. An enrollment fee or deposit required by an institution of higher education;

4. Cost of an educational aptitude course to prepare the eligible individual for an examination as specified in this subsection; or

5. An expense, in addition to an expense specified in subparagraphs 2 and 3 of this paragraph, required for entrance by the institution of higher education; or

(b) Pay for the cost of attendance at an institution of higher education.

(2) An educational and training voucher shall not exceed the lesser of \$5,000 per year or the total cost of attendance per year.

(3) To the extent that funds are available, the cabinet shall authorize payment for an application for an educational and training voucher to an eligible individual.

(4) In accordance with 42 U.S.C. 677(d)(2), an educational and training voucher shall not be approved for the same purpose as a tuition waiver or other student financial aid.

Section 5. Service Appeal. An applicant who is determined ineligible for an educational and training voucher shall have access to an administrative hearing in accordance with 922 KAR 1:320.

Section 6. Incorporation by Reference. (1) "DPP-334, Request for Educational and Training Voucher Funds", 11/16, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (30 Ky.R. 1156; Am. 1561; eff. 1-5-2004; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 43 Ky.R. 142, 582; eff. 11-16-2016.)